

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Angelica Junious,

Plaintiff,

v.

Sgt. W. Baker #3159, et al.,

Defendants.

No. 22 C 3681

Honorable Edmond E. Chang

Magistrate Judge Maria Valdez

**DEFENDANTS' MOTION TO STAY THEIR RESPONSE
TO PLAINTIFF'S MOTION TO FILE A SECOND AMENDED COMPLAINT**

NOW COMES, Defendants, LT. PURCELL, OFFICER CHENGARY, OFFICER RAHN, OFFICER WALZ, and COOK COUNTY SHERIFF TOM DART, joined by SGT. BAKER (collectively, "Defendants"), by their attorney, KIMBERLY M. FOXX, State's Attorney of Cook County, through her Assistant State's Attorneys, ANTONIO LEE, JAMES O'CONNOR and MIGUEL LARIOS and request this Honorable Court to stay Defendants' Response to Plaintiff's Motion for Leave to File a Second Amended Complaint until after Defendants' Motion to Stay Discovery and response to the Court's conflicts inquiry are complete.

INTRODUCTION

1. On August 14, 2023, Plaintiff sought leave to file an "Amended Complaint and For Other Miscellaneous Relief," (hereinafter "Motion"). (Dkt. 98.)

2. On August 16, 2023, this Court entered an order with a briefing schedule requiring Defendants to submit their Response to Plaintiff's Motion by August 23, 2023, with Plaintiff's Reply due on August 30, 2023. (Dkt. 100.) This Court referred all aspects relating to discovery to Magistrate Judge Valdez. (*Id.*)

3. Magistrate Judge Valdez entered an order requiring Defendants to file their response concerning the discovery aspects of Plaintiff's Motion by August 18, 2023, with an in-person hearing on the motion on August 22, 2023. (Dkt. 102.)

4. Subsequently, on August 18, 2023, Defendants filed a Motion to Stay pursuant to the *Younger v. Harris* abstention doctrine. (Dkt. 105.)

5. Upon review of Defendants' Motion to Stay, this Honorable Court submitted a conflicts inquiry, and ordered Defendants to file a supplement brief to their Motion to Stay by August 28, 2023, with Plaintiff's Response due September 6, 2023 and Defendants' Reply due September 13, 2023. (Dkt. 106.)

6. Given the current posture regarding pending issues briefed before this Honorable Court, Defendants respectfully request a stay for their Response to Plaintiff's motion to file a Second Amended Complaint, until after rulings on the *Younger v. Harris* abstention doctrine and response to the Court's conflicts inquiry. (Dkt. Nos. 98, 100, 105-6.)

7. In satisfaction of the Court's Standing Orders for Motion practice, undersigned counsel conferred with Plaintiff's counsel prior to filing this motion, to which Plaintiff stated they do object and request an opportunity to file a Response.

CONCLUSION

WHEREFORE, Defendants respectfully request this Honorable Court to stay Defendants' Response to Plaintiff's Motion for Leave to File an Amended Complaint and For Other Miscellaneous Relief until after the pending Motion to Stay and conflict inquiry items are resolved and grant any other relief deemed proper and necessary.

Respectfully submitted,

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By: /s/ James O'Connor
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CERTIFICATE OF SERVICE

I, Assistant State's Attorney, James O'Connor, hereby certify that *Defendants' Motion to Stay Their Response to Plaintiff's Motion to File a Second Amended Complaint* was served upon Plaintiff's counsel via the CM/ECF filing system on August 23, 2023.

/s/ James O'Connor
James O'Connor